

REMARKS

Claims 1-30 are currently pending in the application. Applicant has amended claims 1, 3-14 and 16-30. Applicant requests reconsideration of the application in light of the following remarks.

Objections to Claims

The Examiner has objected to claim 13 as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Applicant has amended claim 13 to remove the dependency from multiple dependent claim 12. Applicant respectfully requests that the objection to claim 13 be withdrawn.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claims 1-5, 7, 8, 12, 13, 20, 21, 22 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raley (U.S. Patent No. 7,073,199, hereinafter "Raley"), in view of Peinado et al. (U.S. Patent No. 6,816,596, hereinafter "Peinado"). Further, Claims 15, 16, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raley (U.S. Patent No. 7,073,199, hereinafter "Raley"), in view of Peinado et al. (U.S. Patent No. 6,816,596, hereinafter "Peinado") and further in view of Van Rijnsoever (U.S. Patent Publication No. 2002/0090086, hereinafter "Van Rijnsoever"). Applicant respectfully traverses this rejection and requests reconsideration of the claims.

The Present Invention

Independent claims of the present invention are Claims 1, 21, and 30. With the amendment above, these have common technical factors as following:

'filtering means (or filtering operation) located between an application program (144) on a higher layer and a device driver on a lower layer for repeating a process of hooking data packet of the encrypted contents package (121) with messages between the application program and the device driver, converting the data packet to a format corresponding to decryption, decrypting the encrypted data packet using one or more decryption keys, and sending the decrypted data packet to the application program.'

The filtering means is presently separate from any application program, according to the location described above. It is apparent that the filtering means can be installed, operated and deleted without any relation of the application program since it is an independent existence of any application program.

Further, only one filtering means is sufficient for one client system. Regardless of the kind and number of the application program, this single filtering means can do all the function needed for information protection.

It is apparent to any average skilled person in the art that the application program is on the upper layer, and the device driver is on the lower layer. The device driver is the one that does close control to the hardware like file system or communication system, etc.

On this basic idea, the filtering means of the present invention lies 'between an application program (144) on a higher layer and a device driver on a lower layer'. This means that the filtering means is neither an application program nor a hardware device driver. Specifically, it can be realized as a form of virtual device driver of software type. The techniques for a virtual device driver for CD or DVD imitation or the like is well known in prior art.

On the other hand, the filtering means have a main role of hooking the message and data packet between the application program and the device driver. The location of the filtering means is selected for this function. The hooked message and data packet is processed in a predetermined way and the result is sent to the application program. Of course, some essential control messages need to be sent to the device driver as required in prior art.

The predetermined way of processing is mainly the decryption of the encrypted packet to the form playable in any normal application program without specialized decryption function. This allows the encrypted data to be played without specially dedicated program like a special viewer having decryption function.

And the present invention performs a repeating process for the packet to handle the streaming data.

The Cited References

The references cited by Examiner are all of the same level as the prior art mentioned in the specification of the present application.

Especially, Van Rijnsoever discloses art related to some data format, and Peinado discloses art related to the DRM server. However, they do not make any disclosure regarding 'the filtering means independent to the application program' written in independent claims of the present invention. This creates an apparent gap between the present invention and the patents to Van Rijnsoever or Peinado. Because of this gap there would be no motivation or likelihood of success that Van Rijnsoever or Peinado may be combined with any other references to teach any aspect of Applicant's claimed invention.

On the other hand, the Examiner insists that 'the filtering means' with the same configuration as that of the present invention is disclosed by Raley in Fig. 2, column 7, lines 27 ~ 47, and column 8, lines 63 ~ column 9, lines 35. More detailed is considered herebelow.

Fig. 2 of Raley shows that the browser 232 is receiving some information from the UI module 234 and the connection module 236. But the figure does not exhibit any further information such as the installed location or function of the UI module 234 and the connection module 236.

According to column 7, lines 27 ~ 47 of Raley, the connection module 236 has functions of integrity verification, user identification, extraction of document and right list from DRM Module 224, and decryption. Additionally, the UI module 234 mainly has functions of monitoring to user request and granting or denying the request.

As a first point of comparison, however, in that portion of Raley, any material relating to repeat processing cannot be found. This means that Raley is not apparent in technical structure in handling streaming data.

As a second point of comparison, in that portion of Raley, there is no description or any word informing the residing position of the UI module 234 and the connection module 236. The

location of the above two elements 234 and 236 is desperately important in comparison to the present invention.

Regarding the location of the above two elements 234 and 236, column 7, lines 6 ~ 8 of Raley offers a good reference. Raley states, 'Client 230 also has user interface (UI) module 234 and connection module 236 each in the form of software and each adapted to attach to browser 232 ...', which means that the UI module 234 and the connection module 236 are both dependently 'ATTACHED' to the browser 232.

Further, a subsequent part of the above, namely column 7, lines 9 ~ 13 of Raley says, 'For example, UI module 234 and connection module 236 can be in the form of plug-ins, ActiveX controls, or in any form that allows attachment to the rendering engine of browser 232 ...', which means that these two elements are additionally incorporated into the browser 232 as a part of function to extend the function of the browser 232 and be a dependent submodule.

According to Raley, in the case where the client system is equipped with a plurality of web browsers 232 such as Internet Explorer(R) and Navigator(R), etc, the attachment of the UI module 234 and the connection module 236 to each and all of these browsers 232 is inevitable. If the client system has a plurality of application programs such as a browser, a word processor, or any other application or display program as listed in column 9, lines 45 and 46, and as is usual in real circumstances, each and all of these applications need to attach the UI module 234 and the connection module 236. This causes duplicate installation of the same module 234 and 236 as many times as the number of application programs in the client system.

Column 8, lines 63 ~ column 9, lines 35 describes the same contents as that in the above part in more detail in a time flow order. A detailed mention is omitted about this.

The comparison of the Present Invention and Raley

Claims 1, 21 and 30 of the independent claims of the present invention have common words of:

‘filtering means (or filtering operation) located between an application program (144) on a higher layer and a device driver on a lower layer for repeating ...’.

This means that the filtering means exists completely separately from the application program. It is apparent that the filtering means has totally different property from the UI module 234 or the connection module 236 of Raley, which are attached to the application program to be a extending function module.

Major differences include, but are not limited to the following:

a) The UI module 234 or the connection module 236 of Raley can be installed, operated and deleted if and only if the application program exists, but the filtering means of Applicant’s present invention can be installed, operated and deleted regardless of the existence of the application program.

b) The UI module 234 or the connection module 236 of Raley have to be prepared to each and every application programs, but the filtering means of Applicant’s present invention can be prepared only one for one client system regardless of the kinds and number of the application program.

c) The UI module 234 or the connection module 236 of Raley is designed to be a form of plug-ins, ActiveX controls, or in any form that allows attachment to the rendering engine which can be a extended function of the application program, but the filtering means of Applicant’s present invention is designed to be a form of software installed at the OS separately like a form of virtual device driver, for example.

d) The UI module 234 or the connection module 236 of Raley do not disclose art processing for streaming, but the filtering means of Applicant's present invention enables treatment of streaming data with repeating a series of process of hooking, processing and sending.

Results of Comparison

Van Rijnsoever and Peinado are not considered as references in determination of obviousness since they do not show the same or similar core idea of the present invention. Though Raley discloses related art to the present invention, there is big gap between Raley and Applicant's present invention as indicated in a) to d) above.

Induction of the present invention from Raley is not apparent to an average skilled person in the art though the disclosure of Raley at the time of application of the present invention is considered. This leads to the conclusion that independent claims 1, 21 and 30 of the present invention are not obvious and are therefore allowable.

Applicant respectfully requests that the obviousness rejections of claims 1, 21 and 30 be withdrawn.

The remaining claims, claims 2-20 and 22-29, depend from one of the allowable independent claims 1, 21 and 30. Since the remaining claims depends from an allowable base claim, they are, for among other reasons, allowable for depending from an allowable base claim. Accordingly, Applicant requests that the obviousness rejection of claims 2-20 and 22-29 be withdrawn.

Amendments Synchronizing to the Japanese Patent

The Claims of present invention are amended in the same manner and have the same content as those claims in the allowed patent in the National Phase in Japan. The Japanese application number is 2003-558728, and the registered patent number is 4039489.

Further, two Korean applications which are the basis of the priority claims of the present invention are both allowed patent. As for the first Korean application, the application number is 10-2002-1916, and the registered patent number is 461940. As for the second Korean application, the application number is 10-2002-73773, and the registered patent number is 400947.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

Appl. No.: 10/501,254
Amdt. dated July 11, 2008
Reply of Office action of March 11, 2008

Docket No. MAC-10387

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$60.00 is enclosed herewith.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: July 11, 2008

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